



US Army Corps  
of Engineers  
Alaska District

# Public Notice of Application for Permit

Regulatory Division (1145)  
CEPOA-RD  
Post Office Box 6898  
Elmendorf AFB, Alaska 99506-0898

**PUBLIC NOTICE DATE:** 27 February 2007

**EXPIRATION DATE:** 28 March 2007

**REFERENCE NUMBER:** POA-2007-272-4

**WATERWAY:** Ship Creek

Interested parties are hereby notified that a Department of the Army permit application has been received for work in waters of the United States as described below and shown on the enclosed project drawings.

**APPLICANT:** Alaska Railroad Corporation, Post Office Box 107500, Anchorage, Alaska 99510-7500; (907) 265-2226.

**AGENT:** Ms. Leslie Robbins, HDR Alaska, 2525 C Street, Suite 305, Anchorage, Alaska 99503-2632; (907) 644-2058.

**LOCATION:** The proposed project is located within Section 13, T. 13 N., R. 4 W., Seward Meridian; Latitude 61°13'16" N., Longitude 149°54'10" W.; south of the Municipality of Anchorage Small Boat Launch Road, in Anchorage, Alaska.

**PURPOSE:** The proposed project is associated with the Alaska Railroad's Ship Creek Intermodal Transportation Center Project. The intertidal mudflat fill would provide for the construction of an access maintenance road adjacent to the existing railroad embankment to service the track and switches at the west end of the project and the wetland fill would provide for the construction of new side tracks to serve commuter and intercity passengers.

**PROPOSED WORK:** The maintenance road would involve a discharge of approximately 3,674 cubic yards of fill material over 0.43 acre of intertidal mudflats. The new track construction would involve the discharge of approximately 1,481 cubic yards of fill material over 0.21 acre of wetlands. See attachment for additional information.

**WATER QUALITY CERTIFICATION:** A permit for the described work will not be issued until a certification or waiver of certification, as required under Section 401 of the Clean Water Act (Public Law 95-217), has been received from the Alaska Department of Environmental Conservation.

**COASTAL ZONE MANAGEMENT ACT CERTIFICATION:** Section 307(c)(3) of the Coastal Zone, Management Act of 1972, as amended by 16 U.S.C. 1456(c)(3), requires the applicant to certify the described activity affecting land or water uses in the Coastal Zone

complies with the Alaska Coastal Management Program. A permit will not be issued until the Office of Project Management and Permitting, Department of Natural Resources has concurred with the applicant's certification.

CULTURAL RESOURCES: The latest published version of the Alaska Heritage Resources Survey (AHRS) has been consulted for the presence or absence of historic properties, including those listed in or eligible for inclusion in the National Register of Historic Places. There are no listed or eligible properties in the vicinity of the worksite. Consultation of the AHRS constitutes the extent of cultural resource investigations by the District Commander at this time, and he is otherwise unaware of the presence of such resources. This application is being coordinated with the State Historic Preservation Office (SHPO). Any comments SHPO may have concerning presently unknown archeological or historic data that may be lost or destroyed by work under the requested permit will be considered in our final assessment of the described work.

ENDANGERED SPECIES: No threatened or endangered species are known to use the project area. Preliminarily, the described activity will not affect threatened or endangered species, or modify their designated critical habitat, under the Endangered Species Act of 1973 (87 Stat. 844). This application is being coordinated with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service (NMFS). Any comments they may have concerning endangered or threatened wildlife or plants or their critical habitat will be considered in our final assessment of the described work.

ESSENTIAL FISH HABITAT: The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996, requires all Federal agencies to consult with the NMFS on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH).

Preliminarily, the described activity may affect EFH in the project area. This Public Notice initiates EFH consultation with the NMFS. Any comments or recommendations they may have concerning EFH will be considered in our final assessment of the described work.

TRIBAL CONSULTATION: The Alaska District fully supports tribal self-governance and government-to-government relations between Federally recognized Tribes and the Federal government. Tribes with protected rights or resources that could be significantly affected by a proposed Federal action (e.g., a permit decision) have the right to consult with the Alaska District on a government-to-government basis. Views of each Tribe regarding protected rights and resources will be accorded due consideration in this process. This Public Notice serves as notification to the Tribes within the area potentially affected by the proposed work and invites their participation in the Federal decision-making process regarding the protected Tribal right or resource. Consultation may be initiated by the affected Tribe upon written request to the District Commander during the public comment period.

PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, reasons for holding a public hearing.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts, which the proposed activity may have on the public interest, requires a careful weighing of all the factors that become relevant in each particular case. The

benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. The outcome of the general balancing process would determine whether to authorize a proposal, and if so, the conditions under which it will be allowed to occur. The decision should reflect the national concern for both protection and utilization of important resources. All factors, which may be relevant to the proposal, must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving 404 discharges, a permit will be denied if the discharge that would be authorized by such permit would not comply with the Environmental Protection Agency's 404(b)(1) guidelines. Subject to the preceding sentence and any other applicable guidelines or criteria (see Sections 320.2 and 320.3), a permit will be granted unless the District Commander determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Comments on the described work, with the reference number, should reach this office no later than the expiration date of this Public Notice to become part of the record and be considered in the decision. Please contact Mr. Ryan Winn at (907) 753-2712, toll free from within Alaska at (800) 478-2712.

AUTHORITY: This permit will be issued or denied under the following authorities:

(X) Discharge dredged or fill material into waters of the United States - Section 404 Clean Water Act (33 U.S.C. 1344). Therefore, our public interest review will consider the guidelines set forth under Section 404(b) of the Clean Water Act (40 CFR 230).

Project drawings, Notice of Application for Certification of Consistency with the Alaska Coastal Management Program, and Notice of Application for State Water Quality Certification are enclosed with this Public Notice.

District Commander  
U.S. Army, Corps of Engineers

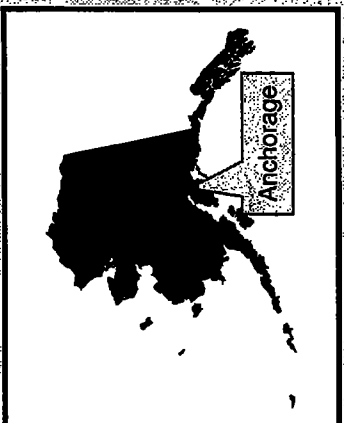
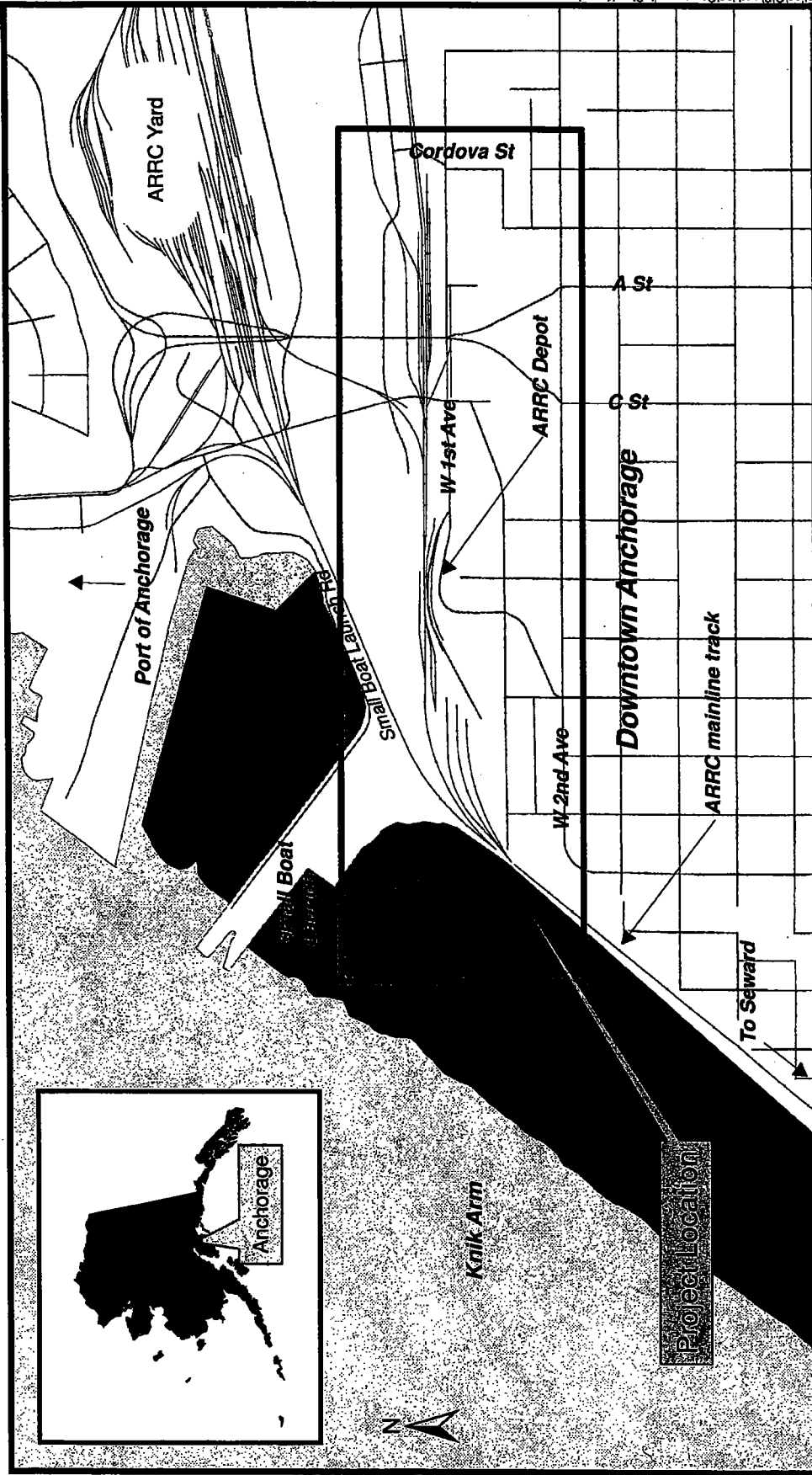
Enclosures

Attachment to **Block 18** of Application for Department of the Army Permit  
Applicant: Alaska Railroad Corporation  
Ship Creek Intermodal Transportation Center Project

The Alaska Railroad Corporation (ARRC), in cooperation with the Federal Transit Administration is seeking to construct an Intermodal Transit Center and associated improvements on ARRC property at the Anchorage railroad terminal near Ship Creek. Two facets of the proposed project will require filling wetlands.

1. A one-lane maintenance road and turnout to the switch point at the southwest of the existing railroad yard will be constructed to access new tracks and associated switches and crossover. The access road will be a total of approximately 1,600 feet in length, beginning from the small boat launch access road, continuing southward to the switch point. The road will be 13 feet in width with the southern portion being located within 0.43 acres of intertidal wetlands. No dredging will be required during construction. All fill will be placed while the tidelands are exposed. A three foot thick layer of riprap will be placed along the outer edge of the embankment from one foot below the existing ground level to one foot above high tide line. The riprap will be installed along with the interior fill (non-frost susceptible, [NSF]) placement to minimize fill loss during construction due to tidal erosion. A geotextile fabric will be placed between the riprap and the NSF to minimize erosion of the fine material due to tidal action. Ten inches of sub-ballast (D-1) material will top the fill and provide the driving surface. This construction will not change the tidal flooding elevation nor impede said movement.
2. The construction and relocation of railroad tracks requires the filling of .21 acres of isolated wetlands located approximately 300' south of the small boat launch/proposed maintenance access road intersection. This small wetland is located on the south side and adjacent to the existing track and is approximately 300 feet long with a varying width, up to 54 feet wide. The wetland will be filled with non-frost susceptible soil, topped by 2 or 3 (according to the location on the wetland) sets of railroad tracks and associated ballast soils. No dredging will occur at this site during construction.

The contractor and/or Alaska Railroad will obtain a U.S. Environmental Protection Agency General National Pollutant Discharge Elimination System (NPDES) Permit for Stormwater discharges from construction activities and prepare a Stormwater Pollution Prevention Plan (SWPPP), which includes an erosion control plan and fuel storage and handling plan, prior to initiating construction. All fill material will be contractor supplied.

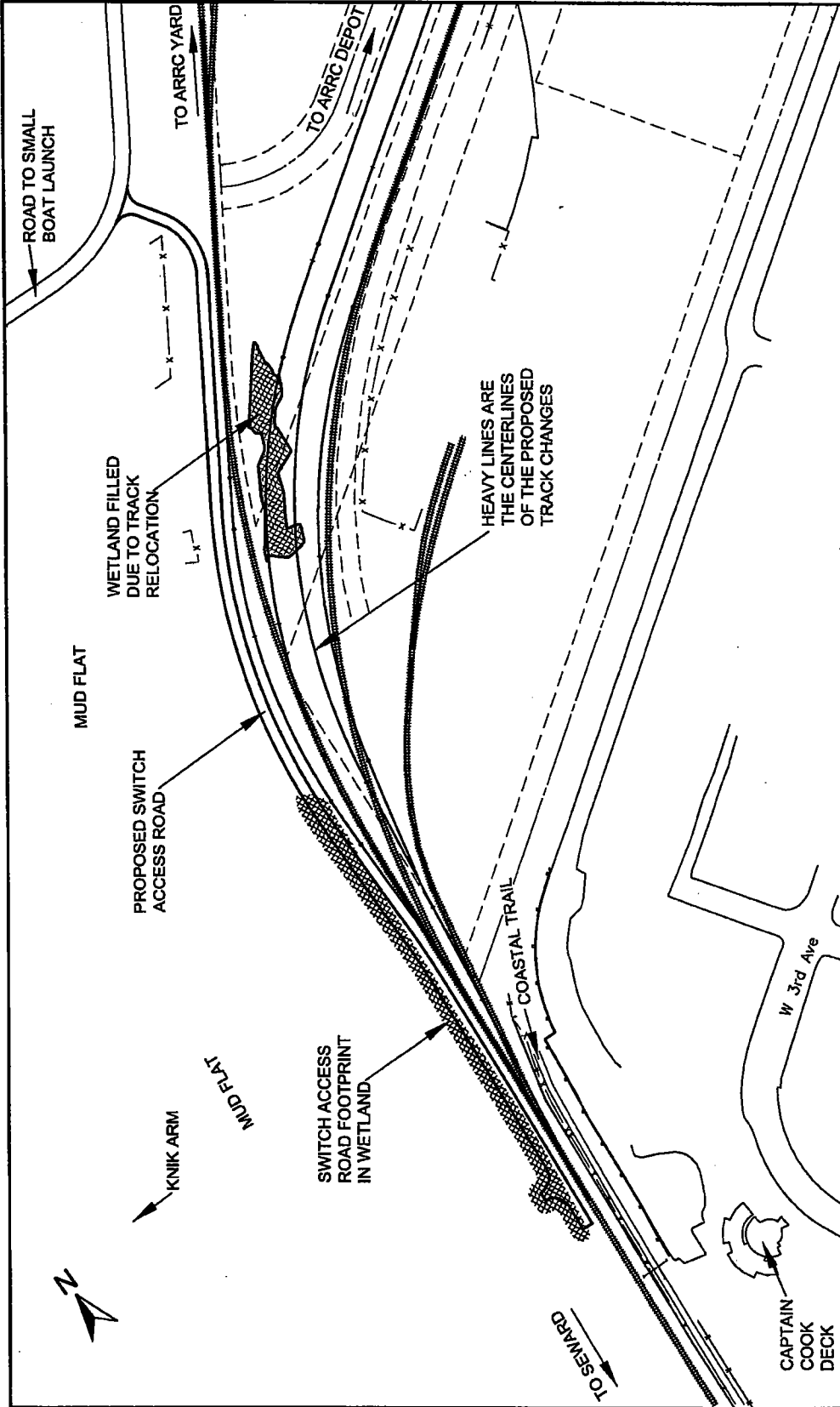


# VICINITY MAP



POA-2007-272-4, Ship Creek  
 Sheet 1 of 5  
 February 2007

Name:	Alaska Railroad Corporation (ARRC) P.O. Box 107500 Anchorage, AK 99510-7500
Project:	Ship Creek Intermodal Transportation Center Environmental Assessment Re-evaluation, ARRC access road
Location:	Anchorage, Alaska T.13N, R.4W, Section 13, Seward Meridian
Waterbody:	Knik Arm
Sheet:	1 OF 5
Date:	September 5, 2006



<p><b>ARRC PLAN OVERVIEW OF BOTH PROPOSED WETLAND FILLS</b></p>		<p>Name: Alaska Railroad Corporation, P.O. Box 107500 Anchorage, AK. 99510-7500</p>
<p>POA-2007-272-4, Ship Creek Sheet 2 of 5 February 2007</p>		<p>Project: Ship Creek Intermodal transportation Center Environmental Assessment Re-evaluation</p>
<p>ELEVATION DATUM = MLLW</p>		<p>Location: Anchorage Alaska T.13N, R.4W, Section 13 Seward Meridian</p>
<p>W 3rd Ave</p>		<p>Waterbody: Knik Arm</p>
<p>0 100 200 SCALE IN FEET</p>		<p>Sheet: 2 OF 5 Date: September 5, 2006</p>



Sheet 3 of 5  
February 2007

Name: Alaska Railroad Corporation,  
P.O. Box 107500  
Anchorage, AK 99510-7500

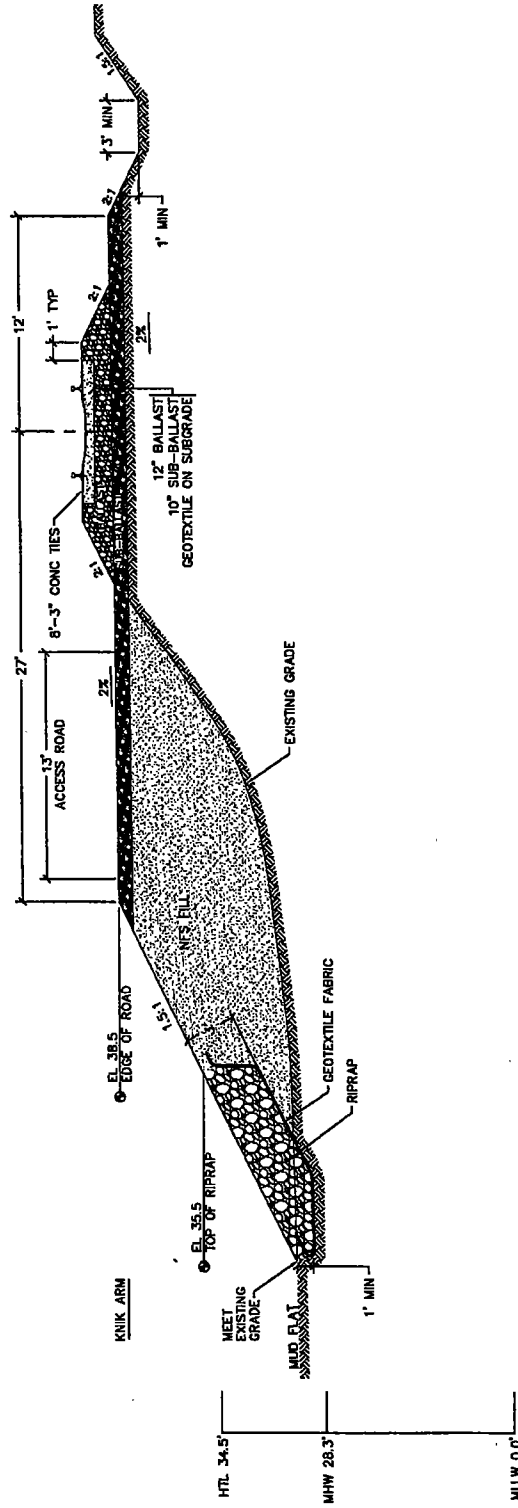
Project: Ship Creek Intermodal Transportation  
Center

Location: Environmental Assessment Re-evaluation  
Anchorage Alaska  
T-13N, R-4W, Section 13  
Ship Creek  
Seward Meridian

Waterbody: Knik Arm

Sheet: 3 OF 5

Date: September 5, 2006



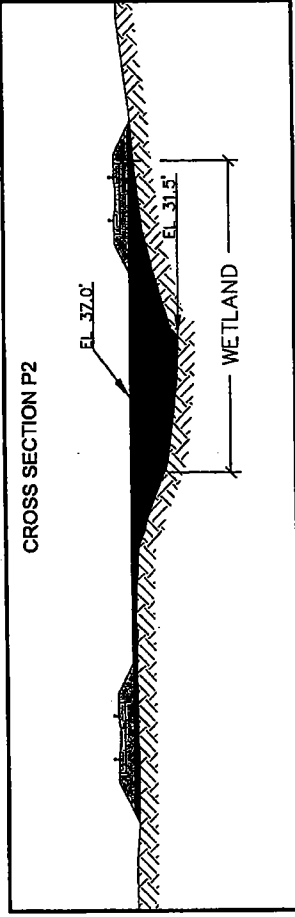
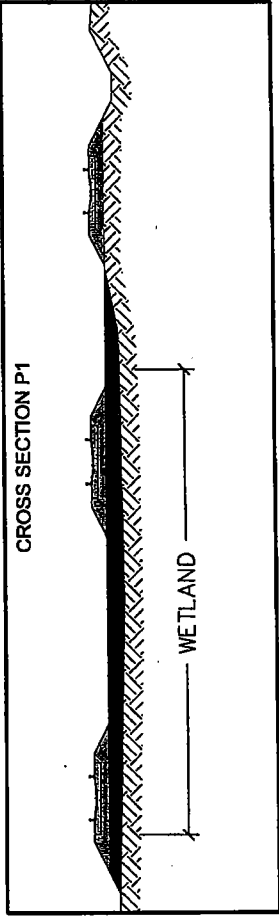
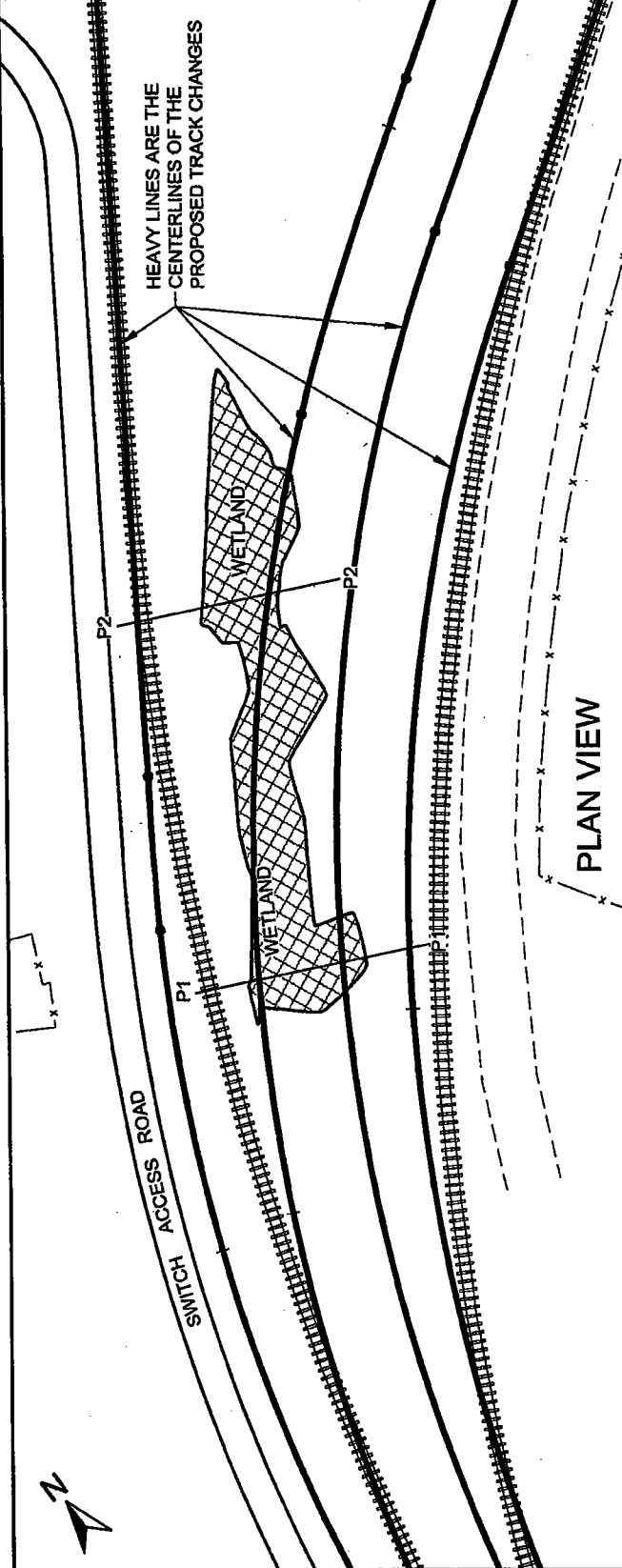
## SWITCH ACCESS ROAD TYPICAL SECTION

0 5 10  
SCALE IN FEET

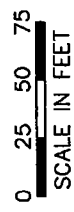
Elevation datum = MOA datum with 1972 NGS adjustment  
MOA 1972 datum = NOAA 1989 MLLW minus 17.26'

Name:	Alaska Railroad Corporation, P.O. Box 107500 Anchorage, AK 99510-7500
Project:	Ship Creek Intermodal Transportation Center
Location:	Environmental Assessment Re-evaluation Anchorage Alaska T.13N, R.4W, Section 13 Seward Meridian
Waterbody:	Knik Arm
Sheet:	4 OF 5
Date:	September 5, 2006





# ISOLATED WETLAND FILL FOR TRACK RELOCATION



ELEVATION DATUM = MLLW

Name:	Alaska Railroad Corporation, P.O. Box 107500 Anchorage, AK. 99510-7500
Project:	Ship Creek Intermodal Transportation Center
Location:	Environmental Assessment Re-evaluation Anchorage Alaska T.13N, R.4W, Section 13 Seward Meridian
Waterbody:	Knik Arm
Sheet:	5 OF 5
Date:	September 5, 2006

POA-2007-272-4, Ship Creek

# STATE OF ALASKA

## DEPT. OF ENVIRONMENTAL CONSERVATION

### DIVISION OF WATER

401 Certification Program

Non-Point Source Water Pollution Control Program

#### NOTICE OF APPLICATION FOR STATE WATER QUALITY CERTIFICATION

Any applicant for a federal license or permit to conduct an activity that might result in a discharge into navigable waters, in accordance with Section 401 of the Clean Water Act of 1977 (PL95-217), also must apply for and obtain certification from the Alaska Department of Environmental Conservation that the discharge will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. By agreement between the U.S. Army Corps of Engineers and the Department of Environmental Conservation, application for a Department of the Army permit to discharge dredged or fill material into navigable waters under Section 404 of the Clean Water Act also may serve as application for State Water Quality Certification.

Notice is hereby given that the application for a Department of the Army Permit described in the Corps of Engineers' Public Notice No. POA-2007-272-4, Ship Creek, serves as application for State Water Quality Certification from the Department of Environmental Conservation.

After reviewing the application, the Department may certify that there is reasonable assurance that the activity, and any discharge that might result, will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. The Department also may deny or waive certification.

Any person desiring to comment on the project with respect to Water Quality Certification may submit written comments by the expiration date of the Corps of Engineer's Public Notice. Comments should be sent to the following address:

Department of Environmental Conservation  
WQM/401 Certification  
555 Cordova Street  
Anchorage, Alaska 99501-2617  
Telephone: (907) 269-6281  
FAX: (907) 269-7508

# STATE OF ALASKA

## DEPARTMENT OF NATURAL RESOURCES OFFICE OF PROJECT MANAGEMENT AND PERMITTING

OFFICE OF PROJECT MANAGEMENT AND PERMITTING  
550 WEST 7<sup>TH</sup> AVENUE, SUITE 705  
ANCHORAGE, ALASKA 99501-3559  
PHONE: (907) 269-7470/FAX: (907) 269-3981

### NOTICE OF APPLICATION FOR CERTIFICATION OF CONSISTENCY WITH THE ALASKA COASTAL MANAGEMENT PROGRAM

Notice is hereby given that a request is being filed with the Office of Project Management and Permitting for a consistency determination, as provided in Section 307(c)(3) of the Coastal Zone Management Act of 1972, as amended [16 U.S.C. 1456(c)(3)], that the project described in the Corps of Engineers Public Notice No. POA-2007-272-4, Ship Creek, will comply with the Alaska Coastal Management Program and that the project will be conducted in a manner consistent with that program.

The Office of Project Management and Permitting requests your comments, particularly on the proposed project's consistency with the affected local coastal district management program. For more information on the consistency review contact OPMP at (907) 269-7470 or (907) 465-3562, or visit the ACMP web site at <http://www.gov.state.ak.us/gdc/Projects/projects.html>.